

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANDREW GARNSEY,

Petitioner,

vs

9:04-CV-95

DAVID MILLER,

Respondent.

APPEARANCES:

OF COUNSEL:

ANDRE GARNSEY

Petitioner, Pro Se

00-A-0486

Eastern Correctional Facility

P.O. Box 338

Napanoch, New York 12585

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Respondent

Department of Law

The Capitol

Albany, New York 12224

BRIDGET ERIN HOLOHAN, ESQ.

Asst. Attorney General

HON. DAVID N. HURD

United States District Judge

DECISION and ORDER

Petitioner, Andrew Garnsey, brought a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on January 26, 2004; and filed an amended petition on April 29, 2004. By Report-Recommendation dated June 29, 2007, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the petition be denied. There have been no objections made to the Report-Recommendation.

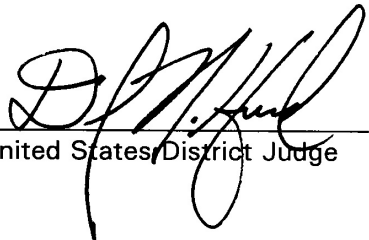
Accordingly, it is

ORDERED that the petition for a writ of habeas corpus is DENIED and
DISMISSED in its entirety.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: July 24, 2007
Utica, New York.


United States District Judge